

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
November 19, 2008**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:05 A.M. on November 19, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

**BOARD MEMBERS
PRESENT:**

Lynne M. Cooper, Citizen Member, President
Florence Jones-Clarke, R.N., M.S., Vice President
Brenda L. Hale, R.N., Secretary
Peregrin Francisco, R.N., M.S.A
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Evelyn Lindsay, L.P.N.
Lawrence L. Logan, Citizen Member
Judith E. Piersall, R.N., B.S.N.
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Linda Kleiner, R.N., Discipline Case Manager
Ann Tiller, Compliance Manager
Amy Davis, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General

**ESTABLISHMENT OF
A QUORUM:**

With twelve members of the Board present, a quorum was established.

CONSIDERATION OF AGENCY SUBORDINATE RECOMMENDATIONS:

Cheri L. Lane, C.N.A. 1401-112277
Ms. Lane appeared.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:10 A.M., for the purpose of consideration of an agency subordinate recommendation. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their

presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 9:15 A.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Hahn moved to accept the recommended decision of the agency subordinate to reprimand Cheri Lane.

The motion was seconded and carried unanimously.

Suzanne Barrell, R.N. 0001-097263

Ms. Barrell did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Suzanne Barrell, stay said suspension upon proof of entry into the Health Practitioners Intervention Program and not less than six months compliance with a recovery monitoring contract with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Joseph J. Haggerty, Jr., R.N. 0001-145454

Mr. Haggerty did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Joseph Haggerty for not less than two years with said suspension stayed contingent upon Mr. Haggerty's continued compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Prisco Muotoh, L.P.N. 0002-072540

Ms. Muotoh did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Prisco Muotoh for not less than two years and until such time as she is able to demonstrate that she can resume the safe and competent practice, with said suspension stayed, contingent upon the Board receiving evidence of re-entry into the Health Practitioners Intervention Program and compliance with said program.

The motion was seconded and carried unanimously.

Robin Reed, R.N. 0001-179119

Ms. Reed did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Robin Reed to renew her license to practice professional nursing in Virginia, and her multistate privilege to practice professional nursing in Virginia for not less than two years and until such time as she can demonstrate that she is capable of resuming the safe and competent practice of professional nursing.
The motion was seconded and carried unanimously.

Dawn Sexton, L.P.N. 0002-066867

Ms. Sexton did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Dawn Sexton.
The motion was seconded and carried unanimously.

Karen S. Stephens, R.N. 0001-116379

Ms. Stephens did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Karen Stephens contingent upon proof of entry into the Health Practitioners Intervention Program within sixty days of the date of entry of the order and remaining in compliance with the terms of the Health Practitioners Intervention Program.
The motion was seconded and carried unanimously.

Gerry P. Greene, L.P.N. 0002-060941

Mr. Greene did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Gerry Greene for a period of not less than two years and until such time as he is able to resume the safe and competent practice of practical nursing.
The motion was seconded and carried unanimously.

Doris W. Hanna, L.P.N. 0002-031587

Ms. Hanna did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew Doris Hanna's license until such time that she is able to resume the safe and competent practice of professional nursing.
The motion was seconded and carried unanimously.

Nancy C. Byrne, R.N. 0001-177492

Ms. Byrne did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Nancy Byrne for a period of not less than two years and until she can demonstrate to the Board that she is capable of resuming the safe and competent practice of professional nursing.

The motion was seconded and carried unanimously.

Jessica L. Sheppard Brimmer, L.P.N. 0002-054986

Ms. Brimmer did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to reprimand Jessica Sheppard Brimmer.

The motion was seconded and carried unanimously.

Sheri Craun, L.P.N. 0002-047939

Ms. Craun did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Sheri Craun contingent upon her entry into a recovery monitoring contract with the Health Practitioners Intervention Program with sixty days of the Board's order.

The motion was seconded and carried unanimously.

Herbert Hernandez, R.N. 0001-205082

Mr. Hernandez did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the license of Herbert Hernandez until such time as Mr. Hernandez obtains a mental health evaluation by a board approved provider and has a report of such evaluation submitted to the Board and appears at an administrative proceeding for final disposition of the matter.

The motion was seconded and carried unanimously.

Gloria Sloan, L.P.N. 0002-045842

Ms. Sloan did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right of Gloria Sloan to renew her license to practice practical nursing for not less than two years and until such time as she can come before the Board and show that she is safe and competent to resume the practice of nursing.

The motion was seconded and carried unanimously.

Julie Nowak, R.N. 0001-149171

Ms. Nowak did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to take no action against Julie Nowak contingent upon her entering into the Health Practitioners Intervention Program within ninety days of the entry of the Board's order.

The motion was seconded and carried unanimously.

Angela M. Smith, C.N.A. 1401-089712; Medication Aide Applicant

Ms. Smith did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to deny Angela Smith's application for registration by examination as a medication aide and further, to indefinitely suspend the nurse aide certificate with said suspension stayed contingent upon Ms. Smith's entry into and compliance with the Health Practitioners Intervention Program. The motion was seconded and carried unanimously.

Giselle Garrido, C.N.A. 1401-117482

Ms. Garrido did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Giselle Garrido with a finding of abuse.

The motion was seconded and carried unanimously.

Betty J. Callands, C.N.A. 1401-000540

Ms. Callands did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to revoke the nurse aide certificate of Betty Callands with a finding of abuse.

The motion was seconded and carried unanimously.

Annette Fairchild, L.P.N. 0002-058065

Ms. Fairchild did not appear.

Ms. Hale moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the right to renew the license of Annette Fairchild for not less than one year and until such time as she is able to resume the safe and competent practice of practical nursing.

The motion was seconded and carried unanimously.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:25 A.M., for the purpose of consideration of agency subordinate recommendations. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Power, Ms. Mitchell, Ms. Kleiner, Ms. Krohn, Ms. Tiller, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 11:10 A.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Frederick Amoh, L.P.N. 0002-075176

Mr. Amoh did not appear.

Ms. Jones-Clarke moved that the Board of Nursing modify the recommended decision of the agency subordinate to continue generally the matter of Frederick Amoh. Further that Mr. Amoh not pass medications until supervision of eighty hours of medication passes by a Board approved supervisor and upon receipt of a report from the supervisor, Board staff will review and make a final disposition. The motion was seconded and carried unanimously.

Cheryl A. Evans, R.N. 0001-077837

Ms. Evans did not appear.

Ms. Jones-Clarke moved that the Board of Nursing accept the recommended decision of the agency subordinate to indefinitely suspend the multistate privilege of Cheryl Evans for not less than two years and until such time as she is able to resume the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Sandra Francis, C.N.A. 1401-085580

Ms. Francis did not appear.

Ms. Hale moved to modify the modified recommended decision of the agency subordinate to make findings of fact and conclusions of law but take no action. The motion was seconded and carried. Ms. Cooper, Ms. Jones-Clarke, Ms. Hale, Ms. Francisco, Dr. Hahn, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan and Ms. Ponn were in favor of the motion. Ms. Piersall and Dr. Selig opposed the motion.

Candy Gordon, C.N.A. 1401-002707

Ms. Gordon did not appear.

Dr. Selig moved to reject the recommended decision of the agency subordinate and refer the matter of Candy Gordon to a formal hearing. The motion was seconded and carried unanimously.

Janice Rose, L.P.N. 0002-060431

Ms. Rose did not appear.

Ms. Piersall moved to accept the recommended decision of the agency subordinate to revoke the license of Janice Rose. The motion was seconded and carried. Ms. Cooper, Ms. Jones-Clarke, Ms. Hale, Ms. Francisco, Dr. Hahn, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan, Ms. Piersall, and Ms. Ponn were in favor of the motion. Dr. Selig opposed the motion.

Jamie Spence, R.N. 0001-193235

Ms. Spence did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate to revoke the nursing license of Jamie Spence. The motion was seconded and carried unanimously.

Samantha Sutton, C.N.A. 1401-093425 (check # in l2k)

Ms. Sutton did not appear.

Ms. Hale moved to accept the recommended decision of the agency subordinate as amended to revoke the nurse aide certificate of Samantha Sutton with a finding of abuse.

The motion was seconded and carried unanimously.

Michelle M. Becker, L.P.N. 0002-059634

Ms. Becker did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate. The motion was seconded and carried. Ms. Cooper, Dr. Selig, Ms. Hale, Ms. Francisco, Dr. Hahn, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan, Ms. Piersall, and Ms. Ponn were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Stacie L. Beach, R.N. 0001-189180

Ms. Beach did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate to indefinitely suspend the license of Stacie Beach for not less than two years and until such time as she is able to resume the safe and competent practice of professional nursing. The motion was seconded and carried unanimously.

Nicole M. Fensom, R.N. 0001-198884

Ms. Fensom did not appear.

Ms. Lane moved to modify the recommended decision of the agency subordinate that a \$500 monetary penalty be imposed upon Nicole Fensom.

The motion was seconded and carried. Ms. Cooper, Ms. Jones-Clarke, Ms. Hale,

Dr. Hahn, Mr. Horn, Ms. Lane, Ms. Lindsay, Ms. Piersall, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Francisco and Mr. Logan opposed the motion.

Jan Reinheimer, R.N. 0001-199013

Ms. Reinheimer did not appear.

Dr. Hahn moved to modify the recommended decision of the agency subordinate to indefinitely suspend the license of Jan Reinheimer, stay said suspension upon proof of entry into the Health Practitioners Intervention Program and remaining in compliance with the Health Practitioners Intervention Program.

The motion was seconded and carried unanimously.

Kristine Diggs, R.N. 0001-199244

Ms. Diggs did not appear.

Ms. Jones-Clarke moved to accept the recommended decision of the agency subordinate to place Kristine Diggs on probation with terms for a term of not less than three years.

The motion was seconded and carried unanimously.

Krista Breininger, R.N. 0001-185764

Ms. Breininger did not appear.

Ms. Jones-Clarke moved to modify the recommended decision of the agency subordinate to continue indefinitely the matter of Krista Breininger contingent upon continued compliance with the Health Practitioners Intervention Program. The motion was seconded and carried unanimously.

Kimberly Dula, R.N. 0001-157503; L.N.P. 0024-165763; Prescriptive Authority 0017-138775

Ms. Dula did not appear.

Mr. Horn moved to reject the recommended decision of the agency subordinate and refer the matter of Kimberly Dula for a formal hearing regarding Ms. Dula's professional nursing license.

The motion was seconded and carried. Ms. Cooper, Ms. Jones-Clarke, Ms. Hale, Ms. Francisco, Dr. Hahn, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan, Ms. Piersall and Ms. Ponn were in favor of the motion. Dr. Selig opposed the motion.

Joann Kevorkian, R.N. 0001-202357

Ms. Kevorkian did not appear.

Dr. Selig moved to accept the recommended decision of the agency subordinate to reprimand Joann Kevorkian.

The motion was seconded and carried. Ms. Cooper, Ms. Hale, Ms. Francisco, Dr. Hahn, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan, Ms. Piersall, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Jones-Clarke opposed the motion.

Gina Swaffield, R.N. 0001-210210

Ms. Swaffield did not appear.

Ms. Francisco moved to accept the recommended decision of the agency subordinate to order Gina Swaffield to undergo six random, unannounced, observed drug screens over a period of ninety days by a Board approved facility beginning forty-five days from the entry of the order. The results of such screens shall be submitted to the Board. At the conclusion of the ninety day period, the Board shall hold an administrative proceeding or refer the matter to the agency subordinate to review the results of the drug screens and make a final disposition of the matter.

The motion was seconded and carried. Ms. Cooper, Ms. Hale, Ms. Francisco, Dr. Hahn, Mr. Horn, Ms. Lane, Mr. Logan, Ms. Piersall, Ms. Ponn and Dr. Selig were in favor of the motion. Ms. Jones-Clarke and Ms. Lindsay opposed the motion.

Crystal S. Lucas, C.N.A. 1401-079304

Ms. Lucas did not appear.

Ms. Lane moved to reject the recommended decision of the agency subordinate and refer the matter of Crystal Lucas to a formal hearing.

The motion was seconded and carried. Ms. Cooper, Ms. Jones-Clarke, Ms. Hale, Dr. Hahn, Mr. Horn, Ms. Lane, Ms. Lindsay, Mr. Logan and Ms. Ponn were in favor of the motion. Ms. Francisco, Ms. Piersall and Dr. Selig opposed the motion.

Jessica Shingleton, L.P.N. 0002-073736

Ms. Shingleton did not appear.

Ms. Lane moved to modify the recommended decision of the agency subordinate to indefinitely suspend Jessica Shingleton's right to renew her license until such time as she can appear before the Board and provide evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

James S. Wetzel, R.N. 0001-152263

Mr. Wetzel did not appear.

Ms. Jones-Clarke moved to accept the recommended decision of the agency subordinate to reprimand James Wetzel and require Mr. Wetzel to have an evaluation by a chemical dependency specialist satisfactory to the Board and shall have written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within forty-five days. Upon receipt of the information, the Board may request that Mr. Wetzel appear before a Special Conference Committee in order to consider the specialist's recommendations and to make a final disposition of the matter.

The motion was seconded and carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 11:12 A.M.

Brenda Hale, R.N.
Secretary

Panel A

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:45 A.M. on November 19, 2008 in Board Room 1, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia.

BOARD MEMBERS
PRESENT: Florence Jones-Clarke, R.N., M.S., Vice President
Peregrin Francisco, R.N., M.S.A.
John M. Horn, L.P.N.
Patricia C. Lane, R.N., M.S.N.
Evelyn Lindsay, L.P.N.
Judith E. Piersall, R.N., B.S.N.

STAFF PRESENT: Jodi P. Power, R.N., J.D., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT: Amy Marschean, Senior Assistant Attorney General

ESTABLISHMENT OF
A QUORUM: With six members of the Board present, a quorum was established.

FORMAL HEARINGS
SCHEDULED: **Amy D. Wiley, L.P.N. Reinstatement Applicant 0002-050045**
Ms. Wiley appeared, accompanied by her parents, Mr. and Mrs. Wiley; and Jennifer Sears-Cockram, Case Manager, Health Practitioners Intervention Program.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Beth Aliff, court reporter, recorded the proceedings.

Jennifer Sears-Cockram, Case Manager, Health Practitioners Intervention Program; and Cecile Custer, R.N., Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:18 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Wiley. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Lee and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:25 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Lane moved that the Board reinstate the license of Amy Wiley contingent upon continued compliance with the Health Practitioners Intervention Program.

The motion was seconded and approved unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 12:35 P.M.

RECONVENTION:

The Board reconvened at 1:20 P.M.

FORMAL HEARING:

Frank Barnett, R.N. 0001-211031

Mr. Barnett did not appear.

Anne Joseph, Deputy Director, Administrative Proceedings Division, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Beth Aliff court reporter, recorded the proceedings.

Leigh Kammerer, Case Manager, Health Practitioners Intervention Program; Kelly D. Ashley, Senior Investigator, Department of Health Professions; Cathy Morse, R.N., Nurse Manager; Nancy Langhorne, R.N. Nurse Manager were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:03 P.M., for the purpose of deliberation to reach a decision in the matter of Mr. Barnett. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Lee and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 2:22 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Francisco moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Joseph and amended by the Board. The motion was seconded and carried unanimously.

Ms. Lindsay moved that the Board of Nursing continue the professional nursing license of Frank Barnett on indefinite suspension for not less than two years and until such time as he can appear before the Board and provide sufficient evidence that he is safe and competent to resume practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARING:

Myann Pendleton, C.N.A. 1401-101084

Ms. Pendleton appeared, represented by attorney Henry McLaughlin.

Anne Joseph, Deputy Director, Administrative Proceedings Division represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Beth Aliff court reporter, recorded the proceedings.

Ms. Pendleton withdrew her appeal. The decision from the informal conference will stand.

FORMAL HEARING:

Felicia Ann Hewett, C.N.A. 1401-108856

Ms. Hewett appeared.

Mary Beth Shelton, Adjudication Specialist, represented the Commonwealth. Ms. Marschean was legal counsel for the Board. Beth Aliff court reporter, recorded the proceedings.

Crystal Brown, L.P.N.; Kim Shank, L.P.N.; Christina Gilman, R.N.; and Gayle Miller, Senior Investigator, Department of Health Professions were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:47 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Hewett. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Krohn, Ms. Lee and Ms. Marschean attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:08 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Shelton and amended by the Board. The motion was seconded and carried unanimously.

Ms. Lane moved to issue an order of reprimand to Felicia Hewett. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 4:14 P.M.

Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director

Panel B

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 11:43 A.M. on November 19, 2008 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Richmond, Virginia

BOARD MEMBERS PRESENT: Lynne M. Cooper, Citizen Member, President
Joyce A. Hahn, Ph.D.; APRN; NEA-BC
Brenda L. Hale, R.N.
Lawrence L. Logan, Citizen Member
G. Maxine Ponn, L.P.N.
Patricia M. Selig, R.N., F.N.P., Ph.D.

STAFF PRESENT: Jay P. Douglas, R.N., M.S.M, C.S.A.C., Executive Director
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Amy Davis, Administrative Assistant

OTHERS PRESENT: Howard M. Casway, Senior Assistant Attorney General

ESTABLISHMENT OF A QUORUM: With six members of the Board present, a quorum was established.

FORMAL HEARINGS SCHEDULED: **Juanita F. Malone, C.N.A. 1401-052256**
Ms. Malone appeared.

LaRhonda Carter, Adjudication Specialist represented the Commonwealth.
Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Jasmine Gamby, Southside Virginia Regional Training Center; Robert Edwards, Polygraph Examiner were present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:32 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Malone.. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:48 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board. The motion was seconded and carried unanimously.

Dr. Selig moved that the Board of Nursing revoke the nurse aide certificate of Juanita Malone and enter a finding of abuse and neglect. The motion was seconded and approved unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:53 P.M.

RECONVENTION: The Board reconvened at 2:50 P.M.

FORMAL HEARINGS **Diana C. Minnix, R.N., 0001-183492**
Ms. Minnix appeared.

Tammie Jones, Adjudication Specialist, represented the Commonwealth Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Sherry Foster, Senior Investigator, Department of Health Professions; and Rebecca Bailey, Certified Sex Offender Treatment Provider were present and testified.

CLOSED MEETING: Ms. Hale moved that the Board convene a closed meeting pursuant to Section 2.2-3711(A)(15) of the *Code of Virginia* for the purpose of consideration and discussion of medical records of Diana Minnix that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 2.2-3705.5. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Davis, Mr. Casway, Kathleen Chancey, Rebecca Bailey, Mary Newcomb, Gloria Mitchell and Ms. Minnix attend the closed meeting because their presence in the closed meeting is deemed necessary, and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:45 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:00 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Minnix. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Davis and Mr. Casway attend the closed

meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:50 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Hale moved that the Board of Nursing issue an order of reprimand to Diana Minnix and further place her on indefinite probation with terms for a period of not less than three years.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS:

The Board recessed at 4:55 P.M.

RECONVENTION:

The Board reconvened at 5:10 P.M.

FORMAL HEARINGS
SCHEDULED:

Laura E. Strickland, R.N. 0001-152669

Ms. Strickland did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Charlotte Hudson, Senior Investigator, Department of Health Professions; and Helene Anderson-Grant, Case Manager, Health Practitioners Intervention Program were present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:17 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Strickland.. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Mitchell, Ms. Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:18 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Carter and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Ponn moved to indefinitely suspend the right to renew the license and multistate privilege of Laura Strickland for a period of not less than two years and until such time as she can appear before the Board and prove that she is safe and competent to practice; The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS
SCHEDULED:

Jennifer M. Byrum, R.N. 0001-091750

Ms. Byrum appeared, represented by attorney, John T. Wood.

Amanda Mitchell, Adjudication Specialist represented the Commonwealth. Howard M. Casway, Senior Assistant Attorney General was legal counsel for the Board. Kathleen Chancey, court reporter, recorded the proceedings.

Tonya James, Compliance Analyst, Department of Health Professions; and Emmett Wilkinson, Day Shift Nursing Supervisor, Central State Hospital was present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 7:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Byrum.. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Davis and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 8:05 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Logan moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board.

The motion was seconded and carried unanimously.

Ms. Ponn moved that the Board of Nursing continue Jennifer Byrum on probation with terms for 18 months of active employment as a registered nurse with the same terms and conditions s previously ordered with the exception of term #5 and additional requirements as stated in the written order.

The motion was seconded and approved unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 8:10 PM.

Brenda Hale, R.N.
Secretary